
Policy 5.500 – License Restoration Guidelines

The Background:

The License Restoration Guidelines have been revised to note that the Board may not consider restoration requests while a licensure action is currently pending against the restoration applicant in another state. This will avoid the possibility of the Board approving a restoration request only to find out thereafter that action was taken in another state based on facts that would have caused the Tennessee Board to deny the request or pursue new disciplinary action.

The Recommendation:

Counsel to the Board recommends adoption of this policy revision on final reading.

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Guidelines for Consideration of License Restoration Applications

Board Rule 0520-2-4-.01(9)(c) allows a person whose teaching license was denied or revoked to apply for restoration of that license. Before the application is considered by the Board, the applicant must show “that the cause no longer exists or, in the case of a felony, that any sentence imposed, including any probationary period, has been completed.” Applications also may not be considered if an action against a license is pending in another state. Applications are voted on by the Board at regularly scheduled meetings.

Restoration of a denied or revoked license is discretionary and considered on a case by case basis. The burden of proof rests with the applicant. To show that the “cause no longer exists,” an applicant must show the Board why the license should be restored despite the misconduct that resulted in the denial or revocation. An applicant must provide evidence of rehabilitation and fitness to perform the duties authorized by the license sought.

The Board may consider the following in reviewing restoration applications:

1. Likelihood of present harm or potential for continuing harm to students, parents of students or school personnel.
2. Details of the offense(s) which led to denial or revocation:
 - a. Terms of any sentence imposed, including probation, community service, etc.;
 - b. Age of the applicant at the time of arrest;
 - c. The relationship between the offense and the duties and responsibilities of the education profession; and
 - d. Likelihood of recurrence (as shown, for example, by lack of remorse or lack or rehabilitative motivation or potential).
3. Attempted concealment of misconduct, including failure to report any criminal charges on an initial license application.
4. Prior misconduct of a similar or related nature (including prior criminal history).
5. Compliance with any terms imposed in a voluntary withdrawal of a license application or voluntary surrender of a license.
6. Rulings on restoration applications under similar circumstances.*
7. Evidence of rehabilitation relevant to the conduct that resulted in denial or revocation, such as:
 - a. Completion of any sentence imposed, including probation;
 - b. Participation in counseling, self-help support groups, community service;
 - c. Gainful employment subsequent to the conduct; and
 - d. Family and community support (shown, for example, through affidavits or letters of character from leaders of organizations, including religious groups).
8. Fitness for practice as an educator:
 - a. Continuing education since denial or revocation;
 - b. Offers of employment for educational positions; and

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- c. Letters of recommendation for educational positions.
- 9. Any other relevant factors.

* To assist the Board in its deliberations, Board staff shall maintain an anonymous list of all restoration requests, along with the following information:

- 1. Grounds for denial or revocation;
- 2. Time elapsed since denial or revocation;
- 3. Supporting material provided by applicant; and
- 4. Whether the application was granted or denied.